

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE: DIISOCYANATES	)	Master Docket Misc. No. 18-1001
ANTITRUST LITIGATION	)	
	)	MDL No. 2862
This Document Relates to:	)	
ALL ACTIONS	)	
	)	

**MOTION FOR APPOINTMENT AS CO-LEAD COUNSEL  
OR, IN THE ALTERNATIVE, LIAISON COUNSEL**

Comes now Plaintiff Finishing Solutions, LLC (“Finishing Solutions”), by its attorneys, Chris Hellums of Pittman, Dutton & Hellums, P.C., and William Pietragallo, II of Pietragallo Gordon Alfano Bosick & Raspanti, LLP, and moves this Honorable Court for the appointment of William Pietragallo, II as co-lead counsel or, alternatively, liaison counsel.

Given his experience and attributes as seen below in the summary of his (I) Personal Biography and Professional Career; (II) Professional Organizations and Appointments; and (III) Litigation Experience and Presentation, Mr. Pietragallo is “best able to represent the interests of the class” under Federal Rule of Civil Procedure 23(g)(2).

I. Personal Biography and Professional Career

- University of Pittsburgh School of Law
- 1972-1973: Law Clerk for Judge Silvestri, Allegheny County Court of Common Pleas
- 1973-1987: Associate-Partner-Managing Partner; Meyer Darragh Buckler Bebenek & Eck
- 1987-Present: Founder and Managing Partner; Pietragallo Gordon Alfano Bosick & Raspanti, LLP
- Attached hereto as Exhibit “A” is a copy of the current CV of William Pietragallo, II.

II. Professional Organizations and Appointments

- Academy of Trial Lawyers of Allegheny County (*since 1989*)
- Diplomat of the International Academy of Trial Lawyers (*since 1997*)
- Fellow of the American College of Trial Lawyers (*since 1998*)
- Pennsylvania Supreme Court Civil Rules Committee (*Member 1992-1998*)

- Pennsylvania Supreme Court Disciplinary Board (*Member 2004-2010; Chair 2009-2010*)
- Adjunct Professor – University of Pittsburgh Law School (*2003-2010*)
- Best Lawyers in America (*25 years*)
- Bet-the-Company Litigation Lawyer of the Year (*2012*)
- Super Lawyers (*25 years*)
- Chambers and Partners – Highly Recommended – Litigation

### III. Litigation Experience and Presentation

There are many very capable lawyers presenting applications to serve as lead counsel or co-lead counsel in this case, including the undersigned, whose practice is domiciled in, but not limited to, the Western District of Pennsylvania.

Legal excellence is not defined by geography. Rather, it is found in tangible attributes of professional life that a court might consider in selecting lead counsel or co-lead counsel. Those attributes include: known integrity, verifiable capability, established subject matter knowledge, leadership characteristics, courtroom presence and experience, and reliability. Mr. Pietragallo possesses these attributes along with a wealth of broad and unparalleled litigation experience, which includes:

- leading the defense of antitrust actions, both in Pennsylvania and West Virginia;
- defending product manufacturers;
- investigating and litigating airline disasters in the USA, Europe and the Middle East;
- suing for a class alleging consumer fraud;
- representing major law firms in professional negligence cases; and
- suing to prevent misappropriation of trade secrets.

Mr. Pietragallo has obtained over 100 civil jury verdicts, and more than 500 verdicts, judgments and decisions rendered both by trial and appellate courts. The following cases are representative of Mr. Pietragallo's courtroom experience.

#### Class Actions

- *Kenneth S. McCarty, Jr., M.D., Ph.D., v. Magee-Women's Hospital, University of Pittsburgh, UPMC Health System, University of Pittsburgh Physicians, Inc., and University of Pittsburgh Medical Center a/k/a UPMC*, Court of Common Pleas of

Allegheny County, Pennsylvania, No. GD 03-017591 – Lead defense counsel in a class action alleging medical fraud relating to pap smear tests; successfully opposed class certification.

- *Carol Rougvie, Marguerite Sinkler Gilder, Caroline Mansour, Melinda Mehigan, Fonda Kubiak, Kara Bell and Tiffany Bolton v. Ascena Retail Group, Inc., d/b/a Justice Stores and Tween Brands, Inc., d/b/a Justice Stores*, United States District Court, Eastern District of Pennsylvania, No. 2:15-cv-00724, MDL Docket No. 2646 – Lead plaintiffs’ counsel in a consumer fraud action against Justice Stores resulting in a recovery for the class in excess of \$80 million.
- *Cyndie Nordi, Philadelphia Federation of Teachers Health and Welfare Fund, Plains Township and Plymouth Borough, individually and on behalf of all others similarly situated, v. Highmark, Inc.*, Court of Common Pleas of Allegheny County, Pennsylvania, No. GD 14-019917 – Co-lead plaintiffs’ counsel with Anapol Weiss in a consumer action regarding insurance rates schedule.
- *Clyde E. Woomer, Derek Willis, et al. individually and on behalf of all others similarly situated, v. FedEx Ground Package System, Inc.*, Court of Common Pleas of Allegheny County, Pennsylvania, No. GD 05-020678, and *Willis v. FedEx Ground Package System, Inc.*, Court of Common Pleas of Philadelphia County, Pennsylvania, No. 004519 – Class action litigation defining employees versus independent contractors; assigned as lead defense counsel for FedEx Ground in Pennsylvania and Ohio (tagalong actions to the MDL in both Ohio and Pennsylvania).

#### Antitrust

- *Wine and Beverage Merchants of West Virginia, Inc., et al. v. Johnson Brothers Liquor Company*, Circuit Court of Hancock County, West Virginia, No. 17-C-91, Young, J. and Farrell, J. – Lead defense counsel for Johnson Brothers Liquor Company involving a claim of monopoly under the West Virginia Antitrust Laws.
- *Doca Company v. Westinghouse Electric Company LLC, et al.*, United States District Court, Western District of Pennsylvania, No. 2:04-cv-01951 – Represented defendant Advanced Measurement & Analysis Group, Inc. against claims of unfair trade practices, including violations of the Lanham Act, the Sherman Act, and state law.
- *John G. Benz and Pittsburgh Valve & Fitting Co. v. Crawford Fitting Company and Fred A. Lennon*, United States District Court, Western District of Pennsylvania, No. 92-1065 – Judge D. Brooks Smith – Represented Crawford Fitting Company in a case involving unconscionability and breach of contract in restraint of trade, successfully defended.

#### Major Case Experience

- *Air Crash Disaster* – US Airways Flight #427, Pittsburgh, Pennsylvania, September 8, 1994 – United States District Court, Western District of Pennsylvania, No. 2:94-mc-

0104-WLS (MDL 1040) – Lead counsel for US Airways, settled 128 death cases; and thereafter, successfully litigated liability against The Boeing Company and Parker Hannifin Corp. as product manufacturers.

- *City of Pittsburgh v. UPMC*, Court of Common Pleas of Allegheny County, Pennsylvania, No. GD-13-5115 – Litigated the tax-exempt status of UPMC based on a challenge by the City of Pittsburgh, thereby sustaining the tax-exempt status of UPMC.
- *Duke Energy Florida, Inc. v Westinghouse Electric Company, LLC*, United States District Court, Western District of North Carolina, No. 3:14-cv-00141 – Litigated an action brought by Westinghouse against Duke Energy relating to the construction of a nuclear power plant resulting in a partial verdict in favor of Westinghouse.
- *Terrorist Attack* – Rome-Fiumicino Airport, December 27, 1985 – Represented Pan Am Airlines in claims brought by families of deceased passengers alleging security breach, litigation in both the United States District Court for the Eastern and Western Districts of Pennsylvania.
- *Air Crash Disaster* – Doha, Qatar, March 13, 1979 – Represented Alia Royal Jordanian Airlines in the crash of a Boeing 727, litigated American passenger death in United States District Court for the Western District of Pennsylvania.

#### Law Firm Commitment

In addition to their experience in representing plaintiffs in complex litigation, Mr. Pietragallo and his law firm have significant experience in representing corporate defendants in high-stakes litigation, which provides a unique perspective in prosecuting this litigation along with the credibility to work with defense counsel.

Mr. Pietragallo and his colleagues were associated by Mr. Hellums to join in the representation of Finishing Solutions. Thereafter, Mr. Pietragallo and his colleagues engaged in an investigation, analysis of the Complaint and case facts, and the applicable antitrust law.

Mr. Hellums is very familiar with Mr. Pietragallo, Rob D'Anniballe, and their firm as they were previously opposing counsel in nationwide complex litigation several years ago. As a result of the mutual respect that formed in that litigation, Mr. Hellums associated Mr. Pietragallo to join him in the representation of Finishing Solutions in the present action.

Mr. Pietragallo and his firm are prepared to expend such professional and financial resources as may be required in coordination with other counsel to fully investigate, discover, and litigate this action. It should be noted that during the past ten years, the Pietragallo firm has underwritten and supported major False Claims Act (*qui tam*) litigation throughout the United States resulting in hundreds of millions of dollars of recovery for the U.S. Government, State governments, and relators. The firm understands the obligations and risks of major litigation and is prepared to undertake those in this matter.

### Conclusion

If this Court is inclined to appoint co-lead counsel, Mr. Pietragallo has had the opportunity to meet with Megan Jones of Hausfeld, LLP and would welcome her as co-lead counsel. Mr. Hellums has over 5 years of direct experience with Ms. Jones and describes her as the “neuron” that has organized and led the 80-law firm team in *In re Blue Cross Blue Shield Antitrust Litigation* (MDL 2402). He has observed her managing every aspect of that litigation and at the same time arguing the most complex antitrust disputes in court. The combination of Ms. Jones and Mr. Pietragallo as co-lead counsel would represent a unique opportunity to merge the different talents and perspectives of these two accomplished lawyers, which is why Finishing Solutions and its counsel endorse such an appointment by this Honorable Court.

In the alternative, should this Court deem it appropriate, Mr. Pietragallo would also be willing to serve as liaison counsel.

Dated: November 19, 2018

Respectfully submitted,

/s/ Chris T. Hellums

Chris T. Hellums

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*Counsel for Finishing Solutions, LLC*

### **CERTIFICATE OF SERVICE**

I hereby certify that on November 19, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel or parties of record electronically by CM/ECF.

/s/ William Pietragallo, II  
William Pietragallo, II